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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,495	12/21/2000	Masaharu Matsumoto	FUJR 18.110	9759
26304	7590	11/03/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN			HOOSAIN, ALLAN	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2645	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/746,495	Applicant(s) MATSUMOTO ET AL.	
	Examiner Allan Hoosain	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hutton et al.** (US 6,108,2000).

As to Claim 1, with respect to Figures 1-2,9, **Hutton** teaches a communication system for performing communication control on information indicating whether or not a third party is present over a network, comprising:

a caller communication terminal, 12, equipment having presence inquiring means for making an inquiry about a presence state of a communicating party, presence information receiving means for receiving presence information and presence information display means for displaying said received presence information (Figure 1, Figure 5, label 40 and Figure 9, labels 74-78); and

a receiver communication terminal, 22, equipment having presence determining means for determining said presence state of an operator of said receive communication terminal equipment, presence information generating means for generating said presence information and

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presence information sending means for sending said presence information upon reception of said inquiry (Col. 6, lines 6-16, Col. 5, lines 55-60, Figure 9, labels 80-88).

As to Claim 2, **Hutton** teaches the communication system according to claim 1, wherein with respect to said inquiry, said caller communication terminal equipment acknowledges said communicating party's being present when receiving a response to said inquiry from said receiver communication terminal equipment and acknowledges said communicating party's being not present when receiving no response to said inquiry (Col. 10, lines 10-21).

As to Claim 3, **Hutton** teaches the communication system according to claim 1, further comprising message control means for storing messages of plural patterns and selecting a message to be sent to said communicating party and sending said selected message when said communicating party is not present (Col. 10, lines 38-43).

As to Claims 4-5, **Hutton** teaches the communication system according to claim 1, further comprising a connection server 26 (management server) including a processor and timer (schedule information managing means) for managing schedule information and performing transmission and reception of said schedule information (Col. 5, lines 39-44).

As to Claims 6-7, **Hutton** teaches the communication system according to claim 4, wherein said schedule information managing means sends status updates (schedule information) of a database

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34 (main receiver) to a processing unit 12 (sub receiver) in multiline reception mode (Col. 5, lines 55-64).

As to Claim 8, **Hutton** teaches the communication system according to claim 4, wherein said schedule information managing means determines whether or not said communicating party is a caller (an outsider) and sends schedule information for callees (outsiders) when said communicating party is a caller (an outsider) (Col. 5, lines 55-67).

As to Claim 9, **Hutton** teaches the communication system according to claim 1, further comprising an automatic presence-notification means for, when an absence state has changed to a presence state, automatically notifying that status change to a caller who has called during said absence state (Col. 6, lines 43-48).

As to Claims 10-11, **Hutton** teaches the communication system according to claim 1, wherein said receiver communication terminal equipment detects a line-busy state of said communicating party (Col. 5, lines 12-14 and Col. 8, lines 41-50).

As to Claim 12, **Hutton** teaches the communication system according to claim 1, further comprising a protocol converting unit for connecting said network to an external network and sending presence information and line-busy information in response to a call made over said external network (Col. 3, lines 33-38).

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As to Claim 13, with respect to Figures 5-9, **Hutton** teaches a communication terminal equipment, 12, for performing communication control on information indicating whether or not a callee (any third party) is present over a network, comprising:

presence inquiring means for making an inquiry about a presence state of a callee (communicating party) (Col. 5, lines 55-56);

presence information receiving means for receiving presence information (Col. 5, lines 60-64);

presence information display means for displaying said received presence information (Col. 8, lines 41-50);

presence determining means for determining said presence state of an operator of said communication terminal equipment (Col. 6, lines 1-5, Col. 8, lines 41-50);

presence information generating means for generating said presence information (Col. 5, lines 25-44); and

presence information sending means for sending said presence information upon reception of said inquiry (Col. 5, lines 60-64).

Response to Arguments

3. Applicant's arguments filed 7/22/04 have been fully considered but they are not persuasive because of the following:

(a) **Hutton** does not teach determining means for determining presence state of an operator of the communication terminal equipment.

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Examiner respectfully disagrees. This is because **Hutton** teaches that a processing unit opens a socket to receive a call when it is active and on-line, sends a busy signal when the user has no open lines and sends an off-line signal when the user is not available (Col. 5, lines 8-14 and Col. 6, lines 1-16).

(b) Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

None

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:


(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The
examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Allan Hoosain
Primary Examiner
10/25/04